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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,333	12/06/2000	Roger D. Pirkey	10942/269227	1489

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/732,333	Applicant(s) PIRKEY ET AL.	
	Examiner MICHAEL PYZOSHA	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9,11-13,16,17,19-21,24,26-28,31-33 and 43-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9,11-13,16,17,19-21,24,26-28,31-33 and 43-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1, 2, 4-6, 9, 11-13, 16, 17, 19-21, 24, 26-28, 31-33, and 43-49 are pending.

2. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 02/21/2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 6, 9, 11, 13, 16-17, 19, 21, 24, 26, 28, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

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over Kaplan et al. (US 5970405) in view of Rosenthal et al. (US 5737701).

As per claims 1, 9, 16 and 24, Kaplan et al. discloses concurrently maintaining a system-wide list comprising a plurality of different resource identifiers, wherein each of the resource identifiers is usable within a network to establish network communications between a requesting party and a resource (see column 7 lines 17-26) and a separate and distinct plurality of lists of resource identifiers, the plurality of lists being respectively associated with a plurality of subscriber identifiers (see column 7 lines 27-44); establishing priority of the system-wide list over the separate and distinct plurality of lists in determining how to control requests for network communications (see figure 5) receiving a request by a requesting party for network communications, the request including a requested resource identifier (see column 8 lines 51-55) first determining whether the requested resource identifier is included in the system-wide list, the determination being made by comparing the requested resource identifier with the plurality of identifiers in the system-wide list and without regard to a subscriber identifier associated with the requesting part (see column 8 lines 58-63); if the requested resource identifier is included in the system wide

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list permitting or denying the requested network communications in accordance with the system wide list and if the requested resource identifier is not included in the system wide list retrieving one of the subscriber lists, determining whether the requested resource identifier is included in the retrieved list and permitting the requested network communication if the resource is included in the list associated with the subscriber (see figure 5 and column 8 line 64 through column 9 line 18).

Kaplan et al. fails to disclose the requirement of inputting a PIN if the subscriber is not on the list.

However, Rosenthal et al. teaches requiring the subscriber to input a personal identification number if the resource is not included in the list associated with the subscriber and providing access to the resource if the subscriber inputs the correct personal identification number (see column 5 lines 35-67, column 6 lines 1-38, 63-67, column 7 lines 1-9).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to require the use of a PIN in the Kaplan et al. system.

Motivation to do so would have been help prevent fraud in the system (see Rosenthal column 2 line 60 through column 3 line 2).

As per claims 2 and 17, the modified Kaplan et al. and Rosenthal et al. system discloses the step of adding the requested resource identifier to the list associated with the subscriber if the requesting party inputs the correct personal identification number (see Rosenthal et al Column 7, lines 10-22).

As per claims 4, 11, 19 and 26, the modified Kaplan et al. and Rosenthal et al. system discloses an always deny list (see Kaplan et al. column 7 lines 45-65).

As per claims 6, 13, 21, and 28, the modified Kaplan et al. and Rosenthal et al. system discloses the claimed limitation wherein the resource is a telephone connection to a destination phone number (see Rosenthal et al Column 6, lines 5-9).

As per claim 31, the modified Kaplan et al. and Rosenthal et al. system discloses the system-wide list includes an always allow list containing a phone number associated with emergency services (see Kaplan et al. column 7 lines 17-26).

As per claim 32, the modified Kaplan et al. and Rosenthal et al. system discloses the always deny list comprises a phone number associated with fraudulent use (see column 7 line 45 through column 8 line 5).

5. Claims 5, 12, 20, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Kaplan et

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al. and Rosenthal et al. system as applied to claims 1, 9, 16, and 24 above, and further in view of Mijares Jr. et al (US 6330311).

As per claims 5, 12, 20, 27, and 33 the modified Kaplan et al. and Rosenthal et al. system fails to disclose an always require PIN list for numbers associated with 900 or international calls.

However Mijares Jr. et al teaches such a list (see column 9 lines 10-43).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Mijares Jr. et al's always require PIN list for 900 or international calls in the call restricting method of the modified Kaplan et al. and Rosenthal et al. system.

Motivation to do so would have been to allow a user to call the blocked 900 or international numbers (see Mijares Jr. et al column 9 lines 37-43).

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Kaplan et al. and Rosenthal et al. system as applied to claim 4 above, and further in view of Rudokas et al (US 5420910).

As per claim 32, the modified Kaplan et al. and Rosenthal et al. system fails to disclose the always deny list comprises a phone number associated with fraudulent use.

However, Rudokas et al teaches such a list of fraudulent numbers (see column 5 line 59 through column 6 line 14).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Rudokas et al's method of preventing fraudulent numbers from being called in the call restricting service of the modified Havinis et al. and Rosenthal et al. system.

Motivation to do so would have been prevent cloned identification systems from making calls to fraudulent numbers (see Rudokas et al column 5 line 59 through column 6 line 14).

7. Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Kaplan et al. and Rosenthal et al. system as applied to claim 1 above, and further in view of Sanchez (US 6091949).

As per claims 43 and 44, the modified Kaplan et al. and Rosenthal et al. system fails to explicitly disclose augmenting HLR/VLR services to compare the system-wide and separate plurality of lists.

However, Sanchez teaches modifying the HLR/VLR to block calls (see column 7 lines 41-50).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the modified HLR/VLR of Sanchez to do the comparing of the modified Kaplan et al. and Rosenthal et al. system.

Motivation to do so would have been to avoid fraud (see Sanchez column 7 lines 41-50).

As per claim 46 the modified Kaplan et al., Rosenthal et al. and Sanchez system discloses always allowing 911 calls (see Kaplan et al. column 7 lines 17-26).

As per claim 45, the modified Kaplan et al., Rosenthal et al. and Sanchez system discloses the use of a subscriber identity to retrieve one of the plurality of lists (see Kaplan et al. column 8 lines 51-63), but fails to explicitly disclose that it is an IMSI.

However, Official Notice is that at the time of the invention the use of an IMSI as a subscriber identity would have been obvious to one of ordinary skill in the art. Motivation to do so would have been that the ISMI is a common identifier used in GSM phones.

8. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Kaplan et al., Rosenthal et al. and Sanchez system as applied to claim 43 above, and further in view of Mijares Jr. et al (US 6330311).

As per claims 47-49 the modified Kaplan et al., Rosenthal et al. and Sanchez system fails to disclose an always require PIN list for numbers associated with 900 or international calls.

However Mijares Jr. et al teaches such a list (see column 9 lines 10-43).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Mijares Jr. et al's always require PIN list for 900 or international calls in the call restricting method of the modified Kaplan et al., Rosenthal et al. and Sanchez system.

Motivation to do so would have been to allow a user to call the blocked 900 or international numbers (see Mijares Jr. et al column 9 lines 37-43).

Response to Arguments

9. Applicant's arguments filed 02/21/2008 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner

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can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137

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